

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: §  
Michael Mrochen, et al. § Attorney Docket No.: 31567.4  
Serial No.: United States National Phase §  
of PCT/EP01/04978 § I. A. Filing Date: May 3, 2001  
Filed: Herewith §  
Priority Date: May 11, 2000  
For: CONTROL PROGRAM FOR A DEVICE FOR PHOTOREFRACTIVE CORNEAL  
SURGERY OF THE EYE  
Attention: DO/EO/US  
Commissioner For Patents  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Prior to the initial examination of the above-identified application, please amend the application as follows:

IN THE TITLE:

On page 1 of the English translation of international application number PCT/EP01/04978, replace the title with the following:

CONTROL PROGRAM FOR A DEVICE FOR PHOTOREFRACTIVE CORNEAL SURGERY  
OF THE EYE

IN THE ABSTRACT:

In a control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected photorefractively, so as to ablate a predetermined ablation profile therefrom, the effect of the angle between the laser beam and the corneal surface on the energy density of the laser-beam spot incident on the corneal surface and/or on the fraction of the laser-beam energy incident on the corneal surface which is reflected away, is taken into account when generating the control program.

#### IN THE SPECIFICATION:

On page 1 of the English translation of international application number PCT/EP01/04978, replace paragraph 1 with the following:

The invention relates to a control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected, so as to ablate a predetermined ablation profile therefrom. The invention also relates to an electronic computer and to a device for corneal surgery of the eye, in which a control program generated by means of the method is used.

#### IN THE CLAIMS:

Please amend claim 1 with the following:

1. (once amended) A control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected, so as to ablate a predetermined ablation profile therefrom;

characterised in that, the control program takes into account the effect of the angle between the laser beam (68) and the corneal surface on the energy density of the laser-beam spot incident on the corneal surface.

Please cancel claims 2 through 17 without prejudice.

Please add the following new claims 18 through 34:

18. Control program according to claim 1, wherein the time interval the laser-beam spot is incident on the corneal surface at an incident point (58) of the corneal surface is increased as a function of the distance (r) of the incident point (58) of the laser-beam spot centre on the cornea (54) from an axis running parallel to the laser-beam direction which axis meets the corneal surface at a right angle (z axis).

19. Control program according to claim 1 or 18, characterised in that, the effect of the distance r of the incidence point (58) of the laser-beam spot centre on the cornea (54) from an axis running parallel to the laser-beam direction which meets the corneal surface at a right angle

(z axis), is taken into account, and account is taken of the fact that the energy density  $F$  of the emitted laser-beam spot of radius  $r_i$  is reduced to  $F/kl(r)$ , in the case of a cornea assumed to be hemispherical with radius  $R$ , when incident on its curved surface (54), where

$$kl(r) = \frac{A_{eff}(r)}{A_0} = \frac{A_{eff}(r)}{\pi \cdot r_2^2}$$

and

$$A_{eff}(r) = \int_{-r}^r \int_{-\sqrt{r^2 - x^2}}^{\sqrt{r^2 - x^2}} \sqrt{1 + \left(\frac{d}{dx} f(x, y)\right)^2 + \left(\frac{d}{dy} f(x, y)\right)^2} dx dy$$

with

$$z = f(x, y) = f(r) = \sqrt{R^2 - x^2 - y^2} = \sqrt{R^2 - r^2},$$

$$r = (x^2 + y^2)^{1/2}$$

where  $x, y, z$  are the coordinates of the incidence point (58) of the laser-beam spot centre in a Cartesian coordinate system, in which the origin lies at the sphere centre of the cornea which is assumed to be hemispherical.

20. Control program according to claim 18, characterised in that the formula is applied for the ablation depth achieved owing to a particular laser-beam spot pulse, in that it is reduced to  $d \cdot korl(r)$  in relation to the ablation depth  $d$  in the case of normal incidence of the laser-beam spot when the laser-beam spot is incident on the curved surface (54), where

$$korl(r) = \frac{\ln\left(\frac{F}{kl(r)F_{th}}\right)}{\ln\left(\frac{F}{F_{th}}\right)}$$

and  $F_{th}$  is the energy-density threshold above which ablation takes place, and in that, when generating the control program, this formula is used to adjust the control of the laser beam in accordance with the desired ablation depth.

21. Control program according to claim 1 or 18, characterised in that account is also taken of the fact that a fraction of the laser-beam energy incident on the corneal surface is reflected away.

22. Control program according to claim 18, characterised in that account is taken of the fact that, in the case of the cornea assumed to be spherical, the unreflected fraction of the energy density  $F/kl(r)$  of the laser-beam spot incident on the curved surface is given as  $(1-k2(r)) \cdot F/kl(r)$ , where

$$k2(r) = \frac{q^2(r) + q^2(r)}{2},$$

with

$$q_-(\alpha_1) = \frac{\sqrt{n^2 - \sin^2(\alpha_1)} - \cos(\alpha_1)}{1 - n^2}$$

$$q_+(\alpha_1) = \frac{n^2 \cos(\alpha_1) - \sqrt{n^2 - \sin^2(\alpha_1)}}{n^2 \cos(\alpha_1) + \sqrt{n^2 - \sin^2(\alpha_1)}}$$

where  $\pi/2 - \alpha_1$  is the angle between the laser beam and the corneal surface, where

$$\alpha_1(r) = \alpha \tan\left(\frac{r}{\sqrt{R^2 - r^2}}\right) \quad \text{with } 0 \leq r^2 < R^2.$$

and  $n$  is the empirically determined refractive index of the cornea at the wavelength of the laser beam which is used.

23. Control program according to claim 21, characterised in that the formula is applied for the ablation depth due to a particular laser-beam spot pulse, in that it is reduced to  $d \cdot \text{kor}(r)$  in relation to the ablation depth  $d$  in the case of normal incidence of the laser-beam spot when the laser-beam spot is incident on the curved surface (54), where

$$\text{kor}(r) = \frac{\ln\left(\frac{(1 - k2(r)) \cdot F}{kl(r) \cdot F_{th}}\right)}{\ln\left(\frac{F}{F_{th}}\right)}.$$

and  $F_{th}$  is the energy-density threshold above which ablation takes place, and in that, when generating the control program, this formula is used to adjust the control of the laser beam in accordance with the desired ablation depth.

24. Control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected photorefractively, so as to ablate a predetermined ablation profile therefrom, characterised in that, the effect of the angle between the laser beam and the corneal surface on the fraction of the laser-beam energy incident on the corneal surface which is reflected away is taken into account.

25. Control program according to claim 24, characterised in that the effect of the distance  $r$  of the incidence point (58) of the laser-beam spot centre on the cornea from an axis running parallel to the laser-beam direction, which meets the corneal surface at a right angle ( $z$  axis) is taken into account, and account is taken of the fact that, in the case of the cornea assumed to be hemispherical with radius  $R$ , the unreflected fraction of the energy density  $F$  of the laser-beam spot incident on the curved surface is given as  $(1-k_2(r)) \cdot F$ , where

$$k_2(r) = \frac{q^2(r) + q^2(r)}{2},$$

with

$$q(\alpha_1) = \frac{\sqrt{n^2 - \sin^2(\alpha_1)} - \cos(\alpha_1)}{1 - n^2}$$

$$q(\alpha_1) = \frac{n^2 \cos(\alpha_1) - \sqrt{n^2 - \sin^2(\alpha_1)}}{n^2 \cos(\alpha_1) + \sqrt{n^2 - \sin^2(\alpha_1)}}$$

where  $\pi/2 - \alpha_1$  is the angle between the laser beam and the corneal surface, where

$$\alpha_1(r) = \alpha \tan\left(\frac{r}{\sqrt{R^2 - r^2}}\right) \quad \text{with } 0 \leq r^2 < R^2.$$

and n is the empirically determined refractive index of the cornea at the wavelength of the laser beam which is used.

26. Control program according to claim 25, characterised in that the formula is applied for the ablation depth due to a particular laser-beam spot pulse, in that it is reduced to d-kor2(r) in relation to the ablation depth d in the case of normal incidence of the laser-beam spot when the laser-beam spot is incident on the curved surface, where

$$kor2(r) = \frac{\ln\left(\frac{(1 - k2(r)) \cdot F}{F_{th}}\right)}{\ln\left(\frac{F}{F_{th}}\right)}$$

and  $F_{th}$  is the energy-density threshold above which ablation takes place, and in that, when generating the control program, this formula is used to adjust the control of the laser beam in accordance with the desired ablation depth.

27. Method of generating a laser-beam profile which is projected in full ablation or in slit form onto a cornea to be corrected, so as to ablate a predetermined ablation profile therefrom, characterised in that, when generating the laser-beam profile, the effect of the angle between elementary beams of the laser-beam profile and the corneal surface on the energy density of the elementary beam incident on the corneal surface and/or on the fraction of the laser-beam energy incident on the corneal surface which is reflected away, is taken into account.

28. Control program according to claim 1, characterised in that before generating the program for the positions at which the laser beam is to be incident, the local radius of curvature of the cornea is determined, and the angle between the laser beam and the corneal surface and/or the effect of this angle on the energy density of the laser-beam spot or elementary laser beam incident on the corneal surface and/or the effect of this angle on the fraction of the laser-beam energy incident on the corneal surface which is reflected away, is derived therefrom.

29. Control program according to claim 1, characterised in that, for the control, and preferably for the time control, account is taken of the fact that the angle between the laser beam and the corneal surface changes during the ablation.

30. Control program according to one of the preceding claims, characterised in that the program is configured so that, during the ablation, it can pick up information about the position of the eye with the cornea to be corrected and, when this position changes, it takes into account the change in the angle between the laser beam and the corneal surface and/or the change in the effect of this angle on the energy density of the laser-beam spot or elementary laser beam incident on the corneal surface and/or in the effect of this angle on the fraction of the laser-beam energy incident on the corneal surface which is reflected away.

31. Electronic computer (48) for delivering control signals to control a laser beam, characterised in that the computer (48) is programmed with, and runs, a control program to one of claims 1, 18 to 34.

32. Device for photorefractive corneal surgery of the eye to correct sight defects, having:

- an instrument (12, 14, 16, 22, 24, 28) for measuring the entire optical system of the eye to be corrected,
- means (48) for deriving an ablation profile from the measured values,
- a laser-radiation source (30) and means (32, 38, 40, 48) for controlling the radiation in accordance with the ablation profile, characterised in that the control means comprise an electronic computer (48) which runs a control program according to one of claims 1, 18 to 34.

33. Device according to claim 32, in which the electronic computer (48) runs a control program according to claim 11, the local radius of curvature having been determined by the instrument for measuring the entire optical system of the eye to be corrected.

34. Device according to claim 32 or 33, in which the electronic computer (48) runs a control program according to claim 13, the device having an instrument (28, 42, 44) for determining the

position of the eye, which instrument sends information about the position of the eye to the computer (48).

#### REMARKS

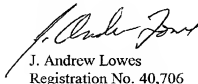
Claim 1 has been amended, claims 2-17 have been cancelled without prejudice, and claims 18-34 have been added. Claims 1 and 18-34 remain pending in the application. The filing fee has been calculated according to the above-amendments.

Attached hereto is a marked-up version of the changes made to claim 1 by the current amendment. The attached pages are captioned "Version With Markings to Show Changes Made."

Should the Examiner have any questions or comments regarding the amendments, the Examiner is invited to telephone the undersigned at the number listed below.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,

  
J. Andrew Lowes  
Registration No. 40,706

Dated: 1/10/02


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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### IN THE TITLE:

[METHOD OF GENERATING A] CONTROL PROGRAM FOR A DEVICE FOR  
PHOTOREFRACTIVE CORNEAL SURGERY OF THE EYE

### IN THE ABSTRACT:

In [method of generating] a control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected photorefractively, so as to ablate a predetermined ablation profile therefrom, the effect of the angle between the laser beam and the corneal surface on the energy density of the laser-beam spot incident on the corneal surface and/or on the fraction of the laser-beam energy incident on the corneal surface which is reflected away, is taken into account when generating the control program.

### IN THE SPECIFICATION:

The invention relates to a [method of generating a] control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected, so as to ablate a predetermined ablation profile therefrom. The invention also relates to an electronic computer and to a device for corneal surgery of the eye, in which a control program generated by means of the method is used.

### IN THE CLAIMS:

1. (once amended) [Method of generating a] A control program, according to which a laser-beam spot is guided, while being controlled with respect to position and time, over a cornea to be corrected, so as to ablate a predetermined ablation profile therefrom,  
characterised in that, [when generating] the control program takes into account[.] the effect of the angle between the laser beam (68) and the corneal surface on the energy density of the laser-beam spot incident on the corneal surface [is taken into account].